

## Components of Municipal Animal Control in New Jersey

2011

### A. Legal Requirements (excerpts)

1. New Jersey Statutes Annotated (N.J.S.A.) 26:4-78 through 95 address rabies control and mandate that animal bites and exposures to humans and domestic animals be reported to the local department of health, which serves as the lead agency for rabies control activities. N.J.S.A. 26:4-82 requires health officers to order dogs and other animals that have bitten persons confined and observed by their owners at home or at an approved location for at least 10 days from the date of a bite.
2. N.J.S.A. 4:19, subchapter 15 addresses dog licensing, canvassing to identify unlicensed dogs, and other animal control requirements. N.J.S.A. 4:19-17 through 37 addresses vicious and potentially dangerous dog situations. N.J.S.A. 4:19-15.16 through 15.16d specifically addresses animal control activities, as summarized below:
  - N.J.S.A. 4:19-15.16. Section (a) requires the impoundment of any stray dog off the property of the owner. Section (e) requires the impoundment of any dog or other animal (i.e., cats) off the property of the owner reported to, or observed by a certified animal control officer (ACO) to be ill, injured, or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property. All impounded animals must be held for 7 days at a facility licensed as a pound prior to adoption or euthanasia.
  - N.J.S.A. 4:19-15.16a requires the promulgation of regulations concerning training for animal control officers. New Jersey Administrative Code (N.J.A.C.) 8:23A subchapter 2 lists the requirements for the ACO and the animal cruelty investigator (ACI) certification courses.
  - N.J.S.A. 4:19-15.16b requires all municipalities to have a certified ACO to enforce the provisions of N.J.S.A. 4:19-15.16. ACOs that complete the ACI course can be authorized by the municipal government to enforce the New Jersey animal cruelty laws, but ACIS that are not so authorized cannot enforce these laws.
  - N.J.S.A. 4:19-15.16c lists the powers of ACIs.
  - N.J.S.A. 4:19-15.16d requires all ACIs to forward a copy of signed complaints or summonses to the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) within 5 business days.

**Note:** If animal control and impoundment services are not directly under the purview of the health officer, it is essential that an oversight relationship between the health officer and both the ACO and the impoundment facility be developed to ensure an adequate response to rabies, stray animal and vicious dog situations. In municipalities where animal control services are provided by a private agency,

the health officer should be directly involved in contract development and review to ensure full compliance with all appropriate statutes and regulations. This process should include an assessment as to whether all ACOs from the agency are certified, can respond quickly to calls and complaints considering the geographic locations involved, and whether or not there is adequate impoundment space to meet the volume of animals from the municipality in question, as well as from all other municipalities under contract with the facility.

## **B. Services**

Divided into 3 categories: (1) required animal control, (2) recommended animal control and (3) impoundment services. The same agency may provide both animal control or impoundment services, or services can be provided by 2 different agencies.

### **1. Required Animal Control Services**

- a. **Response** to calls and complaints from the public concerning lost, stray, injured, or nuisance domestic animals; also concerning suspect rabid wild or domestic animals and vicious dogs. It is important that responses are timely and that 24-hour on-call service is available for emergencies.
- b. **Capture** of stray domestic animals, as well as wild animal rabies vectors (i.e., raccoons, skunks, groundhogs, foxes, and bats) threatening the safety and health of residents. Proper equipment (i.e., transportation vehicles, rabies poles, heavy gloves, a two way radio, official uniforms and badges, and humane capture animal traps) is essential to safely carry out the above duties (N.J.S.A. 4:19-15.16).
- c. **Investigation** into reports of animal bite incidents and vicious dogs; seizure and impoundment of dogs meeting criteria under the State vicious dog law (N.J.S.A. 4:19-19).
- d. **Transportation** of captured animals to impoundment facility; transportation vehicles must meet state regulations (N.J.A.C. 8:23A-1.12). If designated, provide transportation of rabies specimens to the State Rabies Laboratory (N.J.A.C. 8:23A-1.10).
- e. **Evaluation** of captured animals being transported to an impoundment facility as to the need for emergency veterinary care (N.J.A.C. 8:23A-1.12).
- f. **Patrolling** for stray cats and dogs (should be performed on a daily basis, even without complaints or reports).
- g. **Keeping records** to properly document all calls, activities, and animals picked up, including the disposition of each animal (i.e., returned to owner, brought to impoundment or veterinary facility (N.J.A.C. 8:23A-1.13).

**Note:** Response to and capture of nuisance wildlife (i.e., healthy appearing raccoons in garbage or on property not threatening humans, squirrels in attics, etc.) is NOT a required service under statute for municipal animal control to provide. ACOs should be able to educate residents on how to abate wildlife nuisances and be able to refer them to agencies that can assist them if ACOs are not authorized by their supervisors to provide these services to residents.

## 2. Recommended Animal Control Services

- a. Serving notices for the **confinement** of biting or bitten domestic animals for rabies observation and monitoring these confinements, if authorized to do so by the health officer (N.J.S.A. 26:4-82 and 83).
- b. **Education** of the public (including schools and other groups) as to responsible pet ownership, rabies prevention, and the need for spaying and neutering of pets.
- c. **Participation** on local/county rabies task forces and other animal control related committees.
- d. **Canvass** for unlicensed dogs (and cats if required by local ordinance) and take enforcement action when necessary (N.J.S.A. 4:19-15.15.)

## 3. Required Impoundment Facility Services

- a. Facilities must meet N.J.A.C. 8:23A-1.1 through 1.13 governing sanitary conduct and operation of licensed animal facilities. Minimum impoundment facility functions include:
  1. **Maintenance** of impounded animals under sanitary conditions.
  2. **Reunite** owners with their lost animals by tracing ownership of impounded animals and notifying owners to reclaim their lost pets.
  3. **Holding** impounded stray animals for the mandatory 7 days to allow an opportunity for owners to reclaim them.
  4. **Notification** of health officers of all suspect rabid animals and human bite and other rabies exposures.
  5. **Evaluation** of unclaimed impounded, or surrendered, animals as to their health status and suitability for adoption.
  6. **Adoption** of unclaimed impounded and surrendered animals.
  7. **Animal disease control and health care**; programs shall be established and supervised by a licensed veterinarian.
  8. **Euthanasia** of animals that are deemed unadoptable due to health or behavioral reasons.
  9. **Disposal** of the remains of euthanized animals and other animal wastes.
  10. **Keeping records** of the intake and disposition of all impounded and surrendered animals.
- b. Prepare, or contract with a veterinarian, to prepare rabies specimens for shipment to the State Rabies Laboratory.

- c. Facilities must maintain a close relationship with a veterinarian to provide appropriate animal health care and to assist facility management in preventing and responding to disease outbreaks.
- d. Provide public education about responsible pet ownership, spaying and neutering animals and public health concerns related to animal ownership.
- e. Impoundment facilities must have a large enough capacity to house animals obtained from their contract service areas.

**Note:** Impoundment facilities should encourage adoption of animals by working collaboratively with adoption groups and other shelters to place adoptable animals into long-term homes as fast as possible in order to reduce the euthanasia rate at the facility. Most animal shelter and impoundment facilities have to perform euthanasia of unclaimed and unadoptable animals, at least periodically, for humane reasons, to prevent over-crowding and to ensure that there is adequate capacity at the facility for incoming animals. Facilities that do not, or only rarely, perform euthanasia often have problems with overcrowding, which then results in increased animal stress and disease transmission. Animals held long-term may become less socialized and ultimately become unsuitable for adoption. Therefore, euthanasia policies should be taken into consideration when municipal officials review contracts with impoundment facilities.